

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

OPERATING ENGINEERS LOCAL 66, AFL-CIO)
AND CONSTRUCTION INDUSTRY COMBINED)
FUNDS, INC., as agent for BOARD OF)
TRUSTEES OF OPERATING ENGINEERS) Civil Action No. 09-724
LOCAL 66 ANNUITY AND SAVINGS FUND,)
OPERATING ENGINEERS CONSTRUCTION) Judge Gary L. Lancaster
INDUSTRY AND MISCELLANEOUS PENSION)
FUND, OPERATING ENGINEERS LOCAL 66)
BENEFIT FUND, OPERATING ENGINEERS)
LOCAL 66 WELFARE FUND; WESTERN)
PENNSYLVANIA OPERATING ENGINEERS)
JOINT APPRENTICESHIP AND TRAINING)
PROGRAM,)
Plaintiff,)
v.)
BABCOCK EXCAVATING, INC.,)
Defendant.)

CONSENT JUDGMENT

AND NOW, this 24th day of July, 2009, with the
consent of the parties, judgment is hereby entered in favor of the Plaintiff and against
Babcock Excavating, Inc. in the amount of \$37,311.38, plus additional interest from June
30, 2009.

Payments are to be made as follows:

| | | |
|--------------------|---|------------------------------------------------------------|
| August 15, 2009 | - | \$2,500.00 |
| September 15, 2009 | - | \$2,500.00 |
| October 15, 2009 | - | \$6,383.71 |
| November 15, 2009 | - | \$6,383.71 |
| December 15, 2009 | - | \$6,383.71 |
| January 15, 2010 | - | \$6,383.71, plus additional interest from June 30, 2009 |
| February 15, 2010 | - | \$6,776.54 |



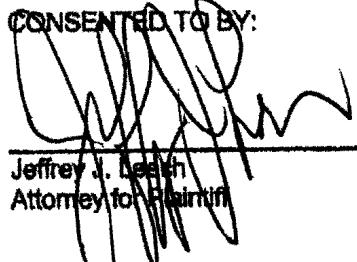
Defendant Babcock Excavating, Inc. shall also submit to Plaintiff its reports with payment by the 30th of the month after the month in which operating engineers perform work.

As long as the above conditions are met, Plaintiff will take no action to execute upon this judgment and the judgment shall be satisfied.



The Honorable Gary L. Lancaster
United States District Judge

CONSENTED TO BY:



Jeffrey J. Neath
Attorney for Plaintiff

BABCOCK EXCAVATING, INC.

By: Robert Poff
Name: Robert Poff
Title: PPS

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Babcock Excavating Inc
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